

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 3, 2006

SENATE BILL

No. 1373

Introduced by Senator Romero

February 21, 2006

An act to add ~~Sections 1719.7 and 1731.9~~ *Section 1719.7* to the Welfare and Institutions Code, relating to the Division of Juvenile Justice.

LEGISLATIVE COUNSEL'S DIGEST

SB 1373, as amended, Romero. Division of Juvenile Justice: parole: consideration dates.

Existing law vests within the Division of Juvenile Justice all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Youth Authority. The Division of Juvenile Justice consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice.

Existing law requires the Board of Parole Hearings to exercise powers and duties related to parole orders and conditions and the revocation or suspension of parole. The Division of Juvenile Facilities sets the initial parole consideration dates for wards.

This bill would ~~limit the number of days that the Division of Juvenile Justice could add onto a ward's initial parole consideration time, as specified, and would require the division to make quarterly reports to the Legislature in that regard. The bill would also require the division to implement a good time credit system, by July 1, 2007, and would impose similar reporting requirements.~~

~~This bill would also require the Division of Juvenile Justice, by April 1, 2007, to provide the Legislature with an analysis and report on the system of offender classification and parole consideration date and deviation guidelines as currently authorized and described under existing provisions of law and regulations, as specified~~ *require the Division of Juvenile Justice to have as a performance objective, the reduction of net time added to all ward parole consideration dates, as defined. The bill would require the division to make specified reports to the Legislature with regard to that objective.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
3 *(a) In order to comply with the requirements of the consent*
4 *decree in the Farrell v. Hickman litigation (Sup. Ct. Alameda*
5 *County, 2003, No. 03079344), the Division of Juvenile Justice*
6 *has agreed and is bound to implement specific reforms of its*
7 *programs and institutions for state-committed juveniles.*
8 *(b) Conditions, programs, and outcomes for Division of*
9 *Juvenile Justice wards can be improved more quickly and*
10 *efficiently and at lower cost to the state if the institutional*
11 *population of the division can safely be reduced.*
12 *(c) The institutional population of the Division of Juvenile*
13 *Justice, even with recent declines, remains elevated by outmoded*
14 *policies and practices that result in long and costly terms of state*
15 *confinement that are well in excess of national norms. These*
16 *policies and practices include excessive time-adds for discipline*
17 *and program failures, the insufficient availability of good-time*
18 *credits for the mainstream ward population, and long*
19 *presumptive sentences known as "parole consideration dates"*
20 *that were adopted by the former Youthful Offender Parole Board*
21 *and are now in need of review.*
22 *(d) According to the March 31, 2006, revision of the division's*
23 *Ward Safety and Welfare Plan by a team of national youth*
24 *corrections experts, the average length of institutional stay of*
25 *wards in the Division of Juvenile Justice of 25.9 months in 2004*
26 *was more than three times the average confinement time served*

1 by juvenile offenders in other state youth correctional systems,
2 and the division's institutional cost-per-ward of one hundred
3 fifteen thousand dollars (\$115,000) in 2004 was well in excess of
4 the average youth confinement costs incurred by other states.
5 Further, these institutional stays and costs correlate with
6 chronically high recidivism and recommitment rates for wards
7 released from division institutions.

8 (e) The institutional population of the Division of Juvenile
9 Justice can safely be reduced, with substantial prospective
10 benefits in state cost and ward and public safety outcomes, by
11 adjusting the time-add and time-credit policies of the division. In
12 addition, there is a present need for the division to reassess
13 current state guidelines for the assignment of parole
14 consideration dates for committed wards and to provide the
15 Legislature with information that can serve a basis for future
16 adjustments that may be consistent with ward treatment and
17 public safety goals.

18 SEC. 2. Section 1719.7 is added to the Welfare and
19 Institutions Code, to read:

20 1719.7. (a) For purposes of this section:

21 (1) "Performance objective" means an outcome that the
22 Division of Juvenile Justice shall make a good faith effort to
23 achieve.

24 (2) "Reduction of net time added to all ward parole
25 consideration dates" means an outcome in which the average net
26 time added or credited for all reasons to the institutional stays of
27 all wards in division facilities is reduced from a calendar year
28 2005 baseline of 3.7 months per ward per year.

29 (b) The Division of Juvenile Justice shall have as a
30 performance objective, the reduction of net time added to all
31 ward parole consideration dates. Each report required by
32 subdivision (c) shall describe the division's progress toward this
33 performance objective.

34 (c) Within 45 days of the close of each calendar quarter, the
35 Division of Juvenile Justice shall submit a report to the
36 Legislature describing the average net time added to the
37 institutional stays of wards in division facilities during the
38 quarter. Each report shall describe the average per-ward time
39 added and credited to ward parole consideration dates, and the
40 net of additions and credits, during the quarter for each of the

1 *seven offense categories described in Sections 4951 to 4957,*
2 *inclusive, of Title 15 of the California Code of Regulations. Each*
3 *report shall also identify the reasons for time adds or credits and*
4 *shall include time add and credit results for institutionalized*
5 *parole violators. The report for the last quarter of any calendar*
6 *year shall additionally compile all quarterly report information*
7 *into an annual report with annualized information for the*
8 *calendar year.*

9 ~~SECTION 1. The Legislature finds and declares all of the~~
10 ~~following:~~

11 ~~(a) The deficiencies of the California youth corrections system~~
12 ~~have been persuasively documented by the expert reports,~~
13 ~~consent decree, and stipulations in the Farrell v. Hickman (Super.~~
14 ~~Ct. Alameda County, 2003, No. 03079344) litigation, as well as~~
15 ~~by the reports of the California Inspector General and by the~~
16 ~~testimony of witnesses in legislative hearings on the Youth~~
17 ~~Authority and its successor agency, the Division of Juvenile~~
18 ~~Justice. These deficiencies include insufficient program capacity,~~
19 ~~outmoded facilities, substandard conditions of confinement, high~~
20 ~~rates of ward violence, injury and death, and high parole failure~~
21 ~~rates.~~

22 ~~(b) The cost of institutionalization in the Division of Juvenile~~
23 ~~Justice exceeded ninety thousand dollars (\$90,000) per ward per~~
24 ~~year in 2005. The total cost to the citizens of California~~
25 ~~maintaining the Division of Juvenile Justice, as presently~~
26 ~~constituted, is excessive.~~

27 ~~(c) Present planning efforts by the Division of Juvenile Justice~~
28 ~~to improve programs and conditions and to comply with the~~
29 ~~consent decree in Farrell v. Hickman (Super. Ct. Alameda~~
30 ~~County, 2003, No. 03079344), and with the Legislature's~~
31 ~~planning directives in the fiscal year 2005-06 Budget Act, are~~
32 ~~unlikely to produce significant results for more than a fraction of~~
33 ~~the projected division population within the next five years.~~

34 ~~(d) Conditions, programs, and outcomes for Division of~~
35 ~~Juvenile Justice wards can be improved more quickly and~~
36 ~~efficiently and at lower cost to the state if the institutional~~
37 ~~population of the division can safely be reduced.~~

38 ~~(e) The institutional population of the Division of Juvenile~~
39 ~~Justice, even with recent declines, is sustained at artificially high~~
40 ~~levels by outmoded policies and practices affecting the~~

1 commitment of wards to the division and the institutional time
2 served by these wards. These policies and practices include
3 excessive time-adds for discipline and program failures, the
4 absence of a good time credit system for the mainstream
5 population, long presumptive sentences for listed offenses
6 (parole consideration dates) that were steadily expanded by the
7 former Youthful Offender Parole Board, high rates of
8 recommitment for technical parole violators, and a policy of
9 accepting commitments of wards with lower-severity offenses
10 from counties willing to pay a portion of the institutional cost.

11 (f) The institutional population of the Division of Juvenile
12 Justice can safely be reduced, with substantial prospective
13 benefits in state cost and ward and public safety outcomes, by
14 adjusting these commitment and length-of-stay policies and
15 practices.

16 (g) There is an urgent need to define, adjust, and lower the
17 Division of Juvenile Justice population to levels that are more
18 consistent with state resources and with state corrections
19 capacities, goals, and objectives.

20 SEC. 2. Section 1719.7 is added to the Welfare and
21 Institutions Code, to read:

22 1719.7. (a) On and after January 1, 2007, the net time added
23 for any reason by the Division of Juvenile Justice to all ward
24 parole consideration dates assigned upon commitment shall not
25 exceed an average of one month per ward per calendar year. This
26 shall not be construed as a limitation on the time that may be
27 added to the parole consideration date of any individual ward in
28 conformity with any other provision of law.

29 (b) The Division of Juvenile Justice shall submit quarterly
30 reports to the Legislature indicating the number of wards whose
31 initial parole consideration dates have been extended or reduced
32 for any reason, the average time extension or time credit per
33 ward, and the net average time-add or credit per ward. Within 45
34 days of the end of any calendar year, the division shall also
35 submit to the Legislature a report containing that same
36 information in annualized figures and format for that calendar
37 year.

38 (c) On or before July 1, 2007, the Division of Juvenile Justice
39 shall implement a good time credit system that will entitle any
40 institutionalized ward who meets specific personal or program

standards of good behavior to credits reducing the confinement time remaining until his or her initial or modified parole consideration date.

(d) On or before April 1, 2007, the Division of Juvenile Justice shall provide the Legislature with a report describing at least three optional proposals for the good time credit system described in subdivision (b). These options shall include descriptions of the proposed behavior or program standards that will qualify wards for credits, the proposed amount of credit to be earned against the release date, the criteria, if any, for canceling or subtracting the credits, and the estimated impact of each option on the state youth correctional population over 10 years of implementation.

SEC. 3. Section 1731.9 is added to the Welfare and Institutions Code, to read:

1731.9. (a) On or before April 1, 2007, the Division of Juvenile Justice shall provide the Legislature with an analysis and report on the system of offender classification and parole consideration date and deviation guidelines as currently authorized by Section 1731.8, and as described in Sections 4951 to 4957, inclusive, and in subdivision (i) of Section 4945 of Title 15 of the California Code of Regulations. The report shall include all of the following:

(1) An analysis of the relationship of the institutional time served by wards to ward recidivism rates by offender category for the last 10 years for which this data is available.

(2) An analysis of the institutional time served by juvenile offenders committed to state youth correctional systems in other states, in comparison to the time served by these offenders in the California state youth corrections system. This analysis shall include specific information on the average institutional time served by juvenile offenders in at least 15 other states selected for the similarity of their juvenile offender population with that of California.

(3) Options and recommendations for adjusting offender classifications and parole consideration dates to reduce the average institutional time now served by wards in the Division of Juvenile Justice to levels that more closely approximates national youth sentencing norms and in a manner that is consistent with public safety as measured by ward recidivism rates.

1 ~~(4) Estimates of the effects of the adjusted offender~~
2 ~~classifications or parole consideration dates on the future~~
3 ~~populations of the facilities of the Division of Juvenile Justice~~
4 ~~over a 10-year period.~~

5 ~~(b) The report shall be researched and prepared with input~~
6 ~~from informed juvenile and criminal justice system experts and~~
7 ~~stakeholders in California.~~

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